

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

United States of America,

Plaintiff,

vs.

ORDER

Floyd Robert Desjarlais,

Civ. No. 20-40 (MJD/LIB)

Defendant.

---

Gina L. Allery, Assistant United States Attorney, Counsel for Plaintiff.

Paul Engh, Counsel for Defendant.

---

This matter is before the Court on the Report and Recommendation by United States Magistrate Judge Leo Brisbois dated September 2, 2020. (Doc. No. 52).

Defendant has filed objections to the Report and Recommendation, asserting the Magistrate Judge erred in determining the traffic stop was justified, that the Ruger handgun was seized in plain view, and that it was immediately apparent that the gun was connected to the 911 call concerning shots fired. Defendant also renewed his objection to the search of Defendant's DNA pursuant to a warrant dated January 8, 2020. (Gov't Ex. 1.)

Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, and in consideration of the applicable law, the Court will adopt the Report and Recommendation in its entirety.

**IT IS ORDERED:**

1. The Report and Recommendation dated September 2, 2020 [Doc. No. 52] is **ADOPTED**; and
2. Defendant's Motion to Suppress Search and Seizure [Docket No. 28] is **DENIED**.

DATED: October 7, 2020

s/ Michael J. Davis

Michael J. Davis

United States District Court